

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK**

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**ANDREWS INTERNATIONAL, INC.**

**Plaintiff,**

**ECF Case**

**-v-**

**Civil Action No. 08-cv-01580 (HB)**

**NEW YORK CITY HOUSING AUTHORITY,**

**Defendant.**

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**ANSWER TO COUNTERCLAIM**

Andrews International, Inc. ("Andrews"), plaintiff and counterclaim defendant, submits the following answer to the counterclaim filed by defendant New York City Housing Authority ("NYCHA"). By way of answer to the counterclaim, Andrews states as follows:

45. Denied.

46. Admitted that the contract provided for liquidated damages, but denied that Andrews failed to perform any contractually required supervisory inspections.

47. Denied.

**FIRST AFFIRMATIVE DEFENSE**

The counterclaim fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

The counterclaim is barred by payment.

**THIRD AFFIRMATIVE DEFENSE**

The counterclaim is barred by estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

The counterclaim is barred by laches.

**FIFTH AFFIRMATIVE DEFENSE**

The counterclaim is barred by promissory estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

The counterclaim is barred by waiver.

WHEREFORE, having fully stated its answers and defenses to the counterclaim filed by NYCHA, Andrews respectfully requests that the Court dismiss the counterclaim, enter judgment in favor of Andrews, award Andrews the damages requested in the complaint, and grant such other and further relief as the nature of the cause and justice may require.

Respectfully submitted,

/S/  
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/S/  
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Dated: June 9, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9<sup>th</sup> day of June, 2008, a copy of Andrews International, Inc.'s Answer to Counterclaim was served via electronic filing on the following persons:

Stephen W. Goodman, Esquire  
New York City Housing Authority  
Law Department  
250 Broadway, 9<sup>th</sup> Floor  
New York, New York 10007

/S/  
Christopher E. Dunne (CD9472)